

USPN: 10/673,023

Attorney Docket No: 3153.00453

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Deng, et al.

Serial No. 10/673,023

Art Unit No: 1636

Filed: September 26, 2003

Examiner: Guzo, David

For: DNA VACCINE AGAINST FELINE IMMUNODEFICIENCY VIRUS

Attorney Docket No: 3153.00453

DECLARATION UNDER 37 C.F.R. § 1.132

I, Terecita D. Yule, do hereby say that:

1. I am a co-inventor of the above-captioned application.
2. I am skilled in the art and have worked extensively in the field of vaccines.
3. Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Numbers 6,713,286, 6,764,676, or U.S. Patent Publication Number 2004/0096460 all to Deng, et al. However, according to the Office Action, the rejection can be overcome by a showing under 37 C.F.R. § 1.132 that any invention disclosed, but not claimed, in the reference, was derived from an inventor of this patent application and is thus not an invention "by another."
4. U.S. Patent Numbers 6,713,286, 6,764,676, or U.S. Patent Publication Number 2004/0096460 all to Deng, et al. do not have a different inventive entity than that of the present invention and patent application. Any invention disclosed in U.S. Patent Numbers 6,713,286, 6,764,676, or U.S. Patent Publication Number 2004/0096460 all to Deng, et al. are derived from the inventors of this patent application. The inventive entities of U.S. Patent Numbers 6,713,286, 6,764,676, or U.S. Patent Publication Number 2004/0096460 all to Deng, et al. are identical to that of the present invention of the patent application.

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The undersigned declares further all statements made herein of his knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 20, 2005


Terecita D. Yule